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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/724,290	11/25/2003	Shin Fa Shyu	4148SF	1189
7590	08/11/2004		EXAMINER	
Shin Fa Shyu P.O. Box 63-298 Taichung, 406 TAIWAN			VALENTI, ANDREA M	
			ART UNIT	PAPER NUMBER
			3643	

DATE MAILED: 08/11/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/724,290

Applicant(s)

SHYU, SHIN FA

Examiner

Andrea M. Valenti

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 November 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 2, 5, and 10-13 is/are rejected.
- 7) ☒ Claim(s) 3,4,6-9 and 14 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>1</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 10, and 13 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,188,516 to Huang.

Regarding Claim 1, Huang teaches an aquarium (Huang abstract line 1) comprising a container including a chamber provided therein for receiving water therein, a pump (Huang Fig. 5 #21 and 22) disposed in said chamber of said container to circulate the water, said pump including a spindle (Huang #10 and 13), and an air supplying device coupled to said spindle of said pump and driven by said spindle of said pump, to pump air into the water contained in said chamber of said container (Huang #312, 36, 13).

Regarding Claim 10, Huang teaches the pump includes a port provided therein, and a conduit attached to said port, said conduit includes a partition provided therein and having a bore formed therein, to rotatably receive said spindle of said pump (Huang Fig. 2 #10, 16).

Regarding Claim 13, Huang teaches the partition of said conduit includes at least one passage formed therein (Huang #21), to allow the water to flow from said conduit into said port of said pump.

Claims 1, 2, 5, and 10-13 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 4,985,181 to Strada et al.

Regarding Claim 1, Strada teaches an aquarium (Strada abstract line 1) comprising a container including a chamber provided therein for receiving water therein, a pump (Strada Fig. 1) disposed in said chamber of said container to circulate the water, said pump including a spindle, and an air supplying device coupled to said spindle of said pump and driven by said spindle of said pump, to pump air into the water contained in said chamber of said container (Strada #25 and 43).

Regarding Claim 2, Strada teaches the air supplying device includes a valve housing (Strada #37) having a recess and a depression formed therein, and having a chamber formed therein and communicating with said recess and said depression thereof respectively, a first and a second check valve members disposed in said recess and said depression of said valve housing respectively (Strada Fig. 3 #21, 27, 43), a membrane (Strada Fig. 2 #23) attached to said valve housing to enclose said chamber of said valve housing, and means for coupling said spindle of said pump to said membrane, to move said membrane relative to said valve housing (Strada #24, 25, 26).

Regarding Claim 5, Strada teaches the air supplying device includes a casing attached to said valve housing, to support said membrane (Strada #11, 1, 38).

Regarding Claim 10, Strada teaches the pump includes a port provided therein, and a conduit attached to said port, said conduit includes a partition provided therein and having a bore formed therein, to rotatably receive said spindle of said pump (Strada Fig. 2).

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Regarding Claim 11, Strada teaches the conduit includes a cap (Strada #23) attached thereto, and includes a board having a bore (Strada #36) formed therein, to rotatably receive said spindle (Strada #25) of said pump.

Regarding Claim 12, Strada teaches the cap includes at least one passage formed therein, to allow the water to flow into said conduit (Strada water enters at the bottom of Fig. 2 and exits at #17).

Regarding Claim 13, Strada teaches the partition of said conduit includes at least one passage formed therein, to allow the water to flow from said conduit into said port of said pump (Strada Fig. 2).

Allowable Subject Matter

Claims 3, 4, 6-9, and 14 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.


U.S. Patent No. 4,608,000; U.S. Patent Pub. US 2003/0031571; U.S. Patent No. 4,817,561; Japanese Patent JP 05276850A; U.S. Patent No. 5,290,157; U.S. Patent No. 5,938,981; U.S. Patent No. 4,154,681; U.S. Patent No. 6,551,078; U.S. Patent No. 5,318,701; U.S. Patent No. 5,750,023; U.S. Patent No. 6,523,498; U.S. Patent No. 6,164,932.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrea M. Valenti whose telephone number is 703-305-3010. The examiner can normally be reached on 7:30am-5pm M-F; Alternating Fridays Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter M. Poon can be reached on 703-308-2574. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Andrea M. Valenti
Examiner
Art Unit 3643

26 July 2004


Peter M. Poon
Supervisory Patent Examiner
Technology Center 3600